

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DAVID A. MCDOUGALL,

Plaintiff,

Civil No. 20-1499 (JRT/LIB)

v.

RESPONSE TO QUESTION 3

CRC INDUSTRIES, INC.,

Defendant.

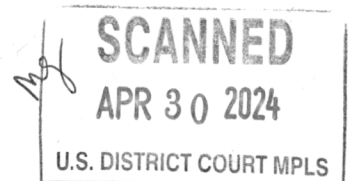
In response to the jury's question, the Court provides the following answer:

Question: Would failure to act be considered the same as acting with deliberate indifference?

Answer: Failure to act can be deliberate indifference, but only if it meets the definition of "deliberate disregard" as provided in the Court's additional instructions, reproduced below:

"Deliberate disregard" means that CRC:

1. Knew about facts or intentionally ignored facts that created a high probability of injury to the rights or safety of others, and
2. Deliberately acted
 - a. with conscious or intentional disregard, or
 - b. with indifference to the high probability of injury to the rights or safety of others.



April 26, 2024
2:05 p.m.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge